

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-64 are pending in the application, with 1, 63, and 64 being the independent claims. Claims 1-4, 6-8, 13, 15-19, 22, 27, 30, 31, 60, and 62-64 are sought to be amended to correct typographical errors. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Allowable Subject Matter***

In the Office Action, the Examiner declares that claims 6, 10-13, 17-21, 23, 24, 28-36, 38-42, 54, 56, 57, and 60-62 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. (See Paper No. 7, page 10). Applicants appreciate the Examiner's remarks. However, Applicants' believe that the Examiner's rejections under 35 U.S.C. § 112, as well as the Examiner's rejections to the base and intervening claims, have all been rendered moot and/or invalid in light of the proposed amendments and following remarks. Therefore, Applicants respectfully request reconsideration and allowance of the aforesaid claims. Nonetheless, Applicants reserve the right to amend said claims to be rewritten in independent form in a future amendment.

***Rejections under 35 U.S.C. § 112, Second Paragraph***

In the Office Action, the Examiner rejects claims 1-63 for allegedly being indefinite under the second paragraph of 35 U.S.C. § 112, for lacking antecedent basis for "the client." (See Paper No. 7, page 2). Applicants believe this rejection has been rendered moot and/or invalid in light of the proposed amendments. Accordingly,

Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of the aforesaid claims, and allowance thereof

***Rejections under 35 U.S.C. § 102***

In the Office Action, the Examiner rejects claims 1-4, 7-9, 14-16, 22, 25-27, 37, 43-53, 55, 58, 59, 63, and 64 under 35 U.S.C. § 102(e), as allegedly being anticipated by PCT Publication WO 00/46715 A to DeMarcken *et al.* (herein referred to as "DeMarcken"). (Paper No. 7, page 2). Applicants respectfully traverse.

DeMarcken describes that a "prediction of the availability of a seat" can be determined from a "cache or database of stored availability queries". (DeMarcken, page 7, lines 16-18, and page 9, lines 19-26). More specifically, DeMarcken teaches "to substitute ***predictions*** of availability for actual availability responses." (DeMarcken, page 4, lines 13-15). DeMarcken does not, however, teach to determine between providing cached availability information or real time availability information to the requestor, as recited in claim 1, or to determine between providing cached information or real time information to the requestor, as recited in claims 63 and 64. Reconsideration and withdrawal of the rejections of these claims are respectfully requested.

Claims 2-4, 7-9, 14-16, 22, 25-27, 37, 43-53, 55, 58, and 59 depend from claim 1 and are thus patentable for at least the reasons provided above with respect to claim 1. Reconsideration and withdrawal of the rejections of these claims are respectfully requested.

***Rejections under 35 U.S.C. § 103***

In the Office Action, the Examiner rejects claim 5 under 35 U.S.C. § 103 as allegedly being unpatentable over DeMarcken in view of a publication written by Padmanabhan *et al.*, entitled "Using Predictive Prefetching to Improve World Wide Web Latency" (herein referred to as "Padmanabhan"). (Paper No. 7, page 9). Applicants respectfully traverse.

Claim 5 depends indirectly from claim 1 and is thus patentable for at least the reasons provided above with respect to claim 1. In addition, as noted by the Examiner, DeMarcken does not teach:

adding the request queries to a query priority queue; adding proactively generated queries to the query priority queue, at lower priorities than the requestor queries; and processing the requestor queries and the proactively generated queries according to their priorities. (See Paper No. 7, page 9).

According to the Examiner, Padmanabhan teaches these features.

Padmanabhan describes pre-fetching of Web pages. Padmanabhan asserts that, “we describe a scheme in which clients, in collaboration with servers, prefetch Web pages that the user is likely to access soon, while he/she is viewing the currently displayed page.” (Padmanabhan at page 2, lines 5-6).

Even if Padmanabhan teaches the features not taught by DeMarcken, which Applicants do not concede, neither DeMarcken nor Padmanabhan teaches or suggests that the method allegedly taught in Padmanabhan can be applied to the retrieval of the predicted airline availability information that is taught by DeMarcken.

Reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

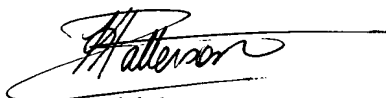
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "K. Patterson", with a long horizontal flourish extending to the right.

Kendrick P. Patterson  
Attorney for Applicants  
Registration No. 45,321

Date: 07-23-04

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

253807\_1.DOC